

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed December 16, 2010. At the time of the Final Office Action, Claims 1-8, 10-12, 16-18, and 20 were pending, Claims 9, 13-15, and 19 were previously cancelled, and Claims 8 and 18 were withdrawn. All pending claims were rejected in the Final Office Action. Independent Claims 1, 10, 11, and 20 are herein amended. Applicant respectfully requests reconsideration and allowance of all pending claims.

Amended Independent Claims 1, 10, 11, and 20 are Allowable.

Independent Claims 1, 10, 11, and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Lambert* (U.S. 6,338,445) in view of *Stier* (U.S. 6,631,854).

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

The Examiner argues that *Lambert* (element 17c, and col. 7, lines 61-66) teaches a material 18¹ *slideably affixed* to the circumferential inner sidewall of a needle seat cavity. (Office Action, page 3). Thus, the Examiner is attempting to equate *Lambert*'s inner valve needle 18, which slides back-and forth within the nozzle body 10 during operation of the valve, with Applicant's recited "material affixed to the circumferential inner sidewall of the cavity." The Examiner's position is that inner valve needle 18 is "affixed" to nozzle body 10 despite sliding back-and forth within nozzle body 10 during operation of the valve.

Although Applicant does not agree with this position, Applicant has amended Claim 1 to explicitly recite "the material being securely affixed to the circumferential inner sidewall of the cavity such that the material does not move relative to the cavity during operation of the fluid injector." Applicant has amended independent Claims 10, 11, and 19 similarly. Thus, the amendments to the independent claims explicitly distinguish from *Lambert*, even according to the Examiner's broad interpretation of "affixed."

¹ On page 3 of the Final Office Action, the Examiner alleges that *Lambert* teaches "a material 18," but then later on the page argues that "Material 12 is slideably affixed ..." Applicant assumes the Examiner meant to write "**Material 18** is slideably affixed ..." rather than "**Material 12** is slideably affixed ..." and thus analyzes the Examiner's argument accordingly.

Thus, Applicant requests reconsideration and allowance of amended independent Claims 1, 10, 11, and 19, as well as all claims that depend therefrom.

All Dependent Claims are Allowable.

Dependent Claims 2-4, 6-7, 12, and 16-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Lambert* in view of *Stier*.

Dependent Claims 3 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Lambert* in view of *Stier* as applied to claim 3 above, and further in view of *Hofmann* (U.S. 4,398,670).

Applicant submits that all dependent claims are allowable at least because they depend from independent Claims 1 and 11 shown above to be allowable. Further, *Hofmann* fails to teach the features of the independent claims not taught by *Lambert* and *Stier*. Further, Applicant does not concede that the proposed combination of *Lambert* and *Stier* is legally proper. For at least these reasons, Applicant respectfully requests reconsideration and allowance of all pending dependent claims.

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PATENT APPLICATION
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CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant respectfully submits a Request for Continued Examination (RCE) Transmittal. The Commissioner is authorized to charge the fee of \$810 required to Deposit Account 50-4871 in order to effectuate this filing. Applicant believes there are no other fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512-457-2030.

Respectfully submitted,
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Date: 2/23/11

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